

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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MASSACHUSETTS DEVELOPMENT  
FINANCE AGENCY,  
Plaintiff

VS.

C.A. NO. 04CV10203 PBS

ADP MARSHALL, INC., A FLUOR  
DANIEL COMPANY AND FIREMAN'S  
FUND INSURANCE COMPANY,  
Defendants

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ADP MARSHALL, INC.,  
Plaintiff-in-Counterclaim

VS.

MASSACHUSETTS DEVELOPMENT  
FINANCE AGENCY,  
Defendant-in-Counterclaim

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ADP MARSHALL, INC.,  
Third-Party Plaintiff

VS.

ALLIED CONSULTING ENGINEERING  
SERVICES, INC., ANDOVER CONTROLS  
CORPORATION, R&R WINDOW  
CONTRACTORS, INC. and DELTA  
KEYSPAN, INC. n/k/a DELTA  
KEYSPAN, LLC,  
Third-Party Defendants

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**PRE-TRIAL DISCLOSURES OF THE THIRD-PARTY DEFENDANT,  
R & R WINDOW CONTRACTORS, INC.  
FED.R.CIV.P. RULE 26(a)(3)**

Now comes R & R Window Contractors, Inc. in the above-captioned matter and makes

the following pre-trial disclosures in conformance with the Pre-Trial Order, with modification, entered by this court on April 11, 2005 and with the Federal Rules of Civil Procedure.

(A) Name of Witnesses

Richard Powers – Field Coordinator, R&R Window Contractors, Inc.  
Roger Fuller – President, R&R Window Contractors, Inc.  
George Hinton – Vice-President, R&R Window Contractors, Inc.  
Ann Miles – Vice-President/Controller, R&R Window Contractors, Inc.  
Michael Kellogg – Foreman, R&R Window Contractors, Inc.  
Robert J. Gruslin – 84 Madison Street, Pawtucket, RI (former Project Manager, R&R Window Contractors, Inc.)

All of the above were involved in the installation of the windows pursuant to the R&R contract as well as negotiation of the R&R sub-contract. Ann Miles was not involved in the installation, however was involved in the negotiation of the R&R windows sub-contract.

Tom Hughes – ADPM  
Stephen Weissling

(B) Designation of Witnesses Expected to be Presented by Deposition

None

(C) Identification of Document or Other Exhibit

1. Subcontract between ADP Marshall and R & R Window Contractors.
2. Modified Indemnification Agreement ADP Marshall and R & R Window Contractors.
3. Report and photographs taken by Stephen Weissling in 2003.

Respectfully submitted,

/S/JOHN H. BRUNO II

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